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United States District Court
Eastern District of New York

FILED
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U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Michael Rutigliano &
John McKoy,

Plaintiffs,

- against -

Liberty Water & Sewer LLC,
Alex Figliola Jr. Plumbing, Inc.,
Alex Figliola Contracting Corp.,
Alex Figliola, and Alex Figliola, Jr.,

Defendants.

Index No.:

09 2863

LEVY M. SON, J.

COMPLAINT

Plaintiffs, complaining of the Defendants by their attorney, David Abrams,
Attorney at Law, respectfully set forth and allege as follows:

I. Introduction

1. This is an action for unpaid overtime under the Fair Labor Standards Act and New York Wage & Hour Regulations.

II. Parties

2. Plaintiffs are is a natural persons residing in the State of New York, County of Kings.

3. Upon information and belief, defendants Liberty Water & Sewer LLC; Alex Figliola Jr. Plumbing, Inc.; and Alex Figliola Jr. Contracting Corp. are New York

business entities all with principal places of business in the State of New York, County of Kings.

4. Upon information and belief, Defendants Alex Figliola and Alex Figliola Jr. are natural persons residing the State of New York, County of Kings.

III. Venue & Jurisdiction

5. Venue in the Eastern District of New York is appropriate pursuant to 28 U.S.C. Section 1391(b)(2) in that, upon information and belief, all defendants reside in New York and, upon information and belief, the corporate defendants maintain a continuous and systematic presence in the Eastern District.

6. Subject matter jurisdiction over this action exists pursuant to 28 U.S.C. Sections 1331 and 1367 in that a claim is made that arises under the laws of the United States, specifically the Fair Labor Standards Act.

7. Personal jurisdiction exists over the defendants in that this action arises from their activities in New York, specifically the employment of the Plaintiffs.

IV. Background

8. Upon information and belief, the defendants (collectively, the "Employer") collectively operate various entities which perform plumbing and sewer contracts in New York City.

9. Plaintiffs were jointly employed by the Employer or separately employed by different Defendants, including any predecessors in interest.

10. Plaintiffs were not paid proper overtime premiums for work in excess of 40 hours per week.

IV. Causes of Action and Demand for Relief

Count One: Violation of the Fair Labor Standards Act

11. The allegations contained in paragraphs 1 through 10 are incorporated as if restated herein.
12. Plaintiffs were employees of the Employer within the meaning of the Fair Labor Standards Act.
13. Upon information and belief, the Defendants were employers within the meaning of the Fair Labor Standards Act and subject to the same Act.
14. The Employer violated the Fair Labor Standards Act in that it did not properly compensate Plaintiffs for the overtime they worked.

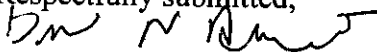
Count II: Violation of New York Wage & Hour Law

15. The allegations contained in paragraphs 1 through 14 are incorporated as if restated herein.
16. Plaintiffs were employees of the Employer within the meaning of New York Wage Regulations, specifically N.Y.C.R.R. Labor Section 138 et seq.
17. The Employer was an employer within the meaning of those same regulations.
18. The Employer violated the above regulations in that it did not properly compensate Plaintiffs for the overtime hours they worked.

[continued on next page]

WHEREFORE Plaintiffs demand judgment against the Employer in the amount of their unpaid compensation and overtime, lost wages, together with liquidated and other multiple damages, costs, fees, interest, and such other and further relief that the Court deems just.

Respectfully submitted,


/s/ David Abrams

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